

REMARKS

The Official Action mailed January 18, 2008, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Filed concurrently herewith is a *Request for Continued Examination*. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on November 2, 2001; November 30, 2001; April 18, 2002; September 20, 2002; May 9, 2003; January 30, 2004; June 16, 2004; March 8, 2005; June 27, 2005; August 11, 2005; October 12, 2005; January 12, 2007; July 13, 2007; and December 12, 2007.

A further Information Disclosure Statement is submitted herewith and consideration of this Information Disclosure Statement is respectfully requested.

Claims 6, 7, 9, 19, 21, 24-36, 39, 40, 42 and 44-58 were pending in the present application prior to the above amendment. Previously withdrawn claims 24-36 and 48-58 have been canceled without prejudice or disclaimer; claims 6, 7, 9, 21, 39, 40, 42 and 45-47 have been amended to better recite the features of the present invention; and new claims 59-73 have been added to recite additional protection to which the Applicant is entitled. Accordingly, claims 6, 7, 9, 19, 21, 39, 40, 42, 44-47 and 59-73 are now pending in the present application, of which claims 6, 7, 9, 39, 40, 42, 59 and 60 are independent. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

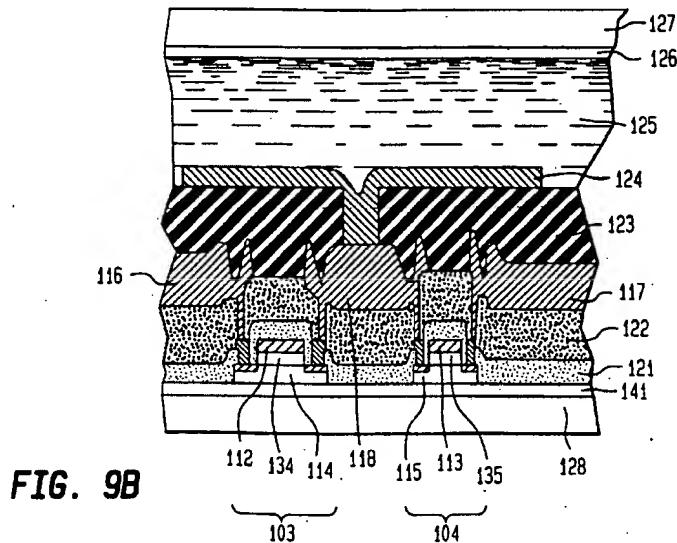
Paragraph 2 of the Official Action rejects claims 6, 7, 9, 19, 21, 39, 40, 42 and 44-47 as obvious based on the combination of U.S. Patent No. 5,051,570 to Tsujikawa, U.S. Patent No. 4,007,294 to Woods, U.S. Patent No. 4,924,279 to Shimbo and U.S. Patent No. 4,778,258 to Parks. The Applicant respectfully submits that a *prima facie* case of obviousness cannot be maintained against the independent claims of the present application, as amended.

As stated in MPEP §§ 2142-2143.01, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some reason, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some reason to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The prior art, either alone or in combination, does not teach or suggest all the features of the independent claims, as amended. Independent claims 6, 7, 9, 39, 40 and 42 have been amended to recite that a gate insulating film has a first contact hole, that an electrode is in contact with one of source and drain regions in the first contact hole, and that a third contact hole is located apart from the first contact hole and a second contact hole (or that a third contact hole does not overlap the first contact hole and a second contact hole). These features are supported in the present specification, for example, by Figures 6D and 6F. For the reasons provided below, Tsujikawa, Woods, Shimbo and Parks, either alone or in combination, do not teach or suggest the above-referenced features of the present invention.

The Office Action asserts that Tsujikawa "teaches that the gate insulating film is formed of silicon oxide (see col. 8, lines 16-18, that is the same as shown in the Fig. 9

of the gate insulating film 134, 135" (page 4, Paper No. 20080116; Figure 9 reproduced below).

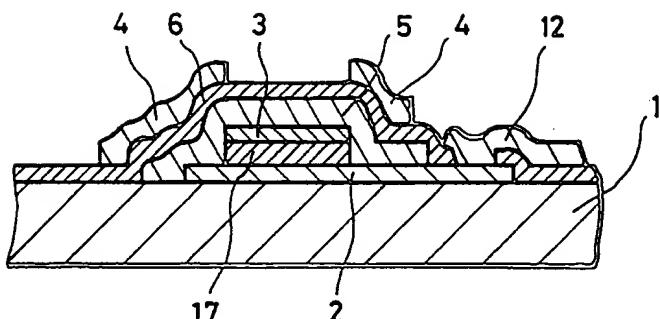


However, since the gate insulating films 134, 135 in Figure 9B do not have a contact hole, Tsujikawa does not teach or suggest that a gate insulating film has a first contact hole and that an electrode is in contact with one of source and drain regions in the first contact hole. For the reasons provided below, Woods, Shimbo and Parks do not cure the deficiencies in Tsujikawa.

Woods does not teach or suggest that a gate insulating film has a first contact hole and that an electrode is in contact with one of source and drain regions in the first contact hole.

Although Shimbo appears to disclose that a gate insulating film has a contact hole, Shimbo does not also teach that an electrode is in contact with one of source and drain regions in a first contact hole. Specifically, in Shimbo, "after the formation of contact holes in the gate insulator film 6 by a selective etching method, a wiring metal film 12 of Al, etc. is connected with the first main electrode 2" (column 3, lines 52-55, and Figure 4d, reproduced below).

FIG. 4d



However, Shimbo merely discloses that a wiring metal film 12 is in contact with a first main electrode 2 in a contact hole of a gate insulator film 6. Thus, Shimbo does not teach or suggest at least that an electrode is in contact with one of source and drain regions in a first contact hole.

Parks is relied upon to allegedly teach a "pixel electrode having transparent material (transparent pixel electrode)" (page 5, Paper No. 20080116). However, Parks does not cure the above-referenced deficiencies in Tsujikawa, Woods and Shimbo.

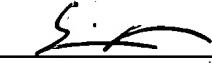
Therefore, the Applicant respectfully submits that Tsujikawa, Woods, Shimbo and Parks, either alone or in combination, do not teach or suggest that a gate insulating film has a first contact hole, that an electrode is in contact with one of source and drain regions in the first contact hole, and that a third contact hole is located apart from the first contact hole and a second contact hole (or that a third contact hole does not overlap the first contact hole and a second contact hole).

Since Tsujikawa, Woods, Shimbo and Parks do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

New claims 59-73 have been added to recite additional protection to which the Applicant is entitled. The Applicant respectfully submits that new claims 59-73 are in condition for allowance.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,


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